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10/040,127	01/03/2002	David J. Segelstein	2001-0168	8790

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Samuel H. Dworetsky  
AT & T Corporation  
P.O. Box 4110  
Middletown, NJ 07748-4110

EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/040,127

Applicant(s)

SEGELSTEIN, DAVID J.

Examiner

Jude J Jean-Gilles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/03/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

This office action is responsive to communication filed on 01/11/2002.

### ***Information Disclosure Statement***

1. The references listed on the Information Disclosure Statement submitted on 01/03/2002 have been considered by the examiner (see attached PTO-1449A).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-7, 9-19, and 21-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Pezzutti et al (Pezzutti), U.S. Patent No. 6,760,762 B2.

Regarding **claim 1**, Pezzutti discloses a method for registering of an IP telephony end-point (fig. 1, items 18, 32, and 60), comprising the steps of:

installing an end-point on an IP telephony network (*column 15, lines 18-58*);  
receiving, by said end-point, a default configuration (*column 15, lines 18-58*);  
subscribing to desired service features by said end-point using said default configuration (*column 18, lines 3-59*); and

receiving, by said end-point, a configuration which supports said desired service features (*column 18, lines 3-59*).

Regarding **claim 2**, Pezzutti discloses the method of claim 1 wherein said step of installing further comprises revealing a MAC address of the end-point to other devices on said IP telephony network (*column 19, lines 62-67*).

Regarding **claim 3**, Pezzutti discloses the method of claim 1 wherein said step of using said default configuration further comprises the step of entering an identification of a customer (*column 14, lines 33-52*).

Regarding **claim 4**, Pezzutti discloses the method of claim 3 wherein said identification of said customer is selected from the group consisting of a key, a customer identification number, an account number and a customer address (*column 14, lines 33-67; column 15, lines 1-58*).

Regarding **claim 5**, Pezzutti discloses the method of claim 1 wherein prior to said step of receiving a default configuration, the identification of said end-point is unknown (*column 14, lines 14-62*).

Regarding **claim 6**, Pezzutti discloses the method of claim 1 wherein said default configuration allows a customer to use said end-point to communicate with a predetermined destination (*column 14, lines 33-67; column 15, lines 1-58*).

Regarding **claim 7**, Pezzutti discloses the method of claim 6 wherein said predetermined destination is a service center (*column 15, lines 36-58*).

Regarding **claim 9**, Pezzutti discloses the method of claim 1 wherein said step of installing is performed by an entity selected from the group consisting of a customer and a third-party installer (*column 4, lines 12-39; column 14, lines 14-61*).

Regarding **claim 10**, Pezzutti discloses a method for performing automatic registration of an IP telephony end-point (*fig. 1, items 18, 32, and 60, lines*) comprising the steps of:

performing a first-stage registration, wherein said first stage-registration provides service capable of allowing a customer to subscribe to a desired service (*column 15, lines 18-58*); and

performing a second-stage registration wherein said end-point is provided with the desired service (*column 18, lines 59*).

Regarding **claim 11**, Pezzutti discloses the method of claim 10 wherein said step of performing a first-stage registration includes the step of installing said end-point on an IP telephony network (*column 15, lines 36-58*).

Regarding **claim 12**, Pezzutti discloses the method of claim 10 wherein said step of performing a first-stage registration includes the step of receiving a default configuration (*column 19, lines 62-67; column 20, lines 1-11*).

Regarding **claim 13**, Pezzutti discloses the method of claim 12 wherein said step of performing a first-stage registration includes the step of using said default configuration to subscribe to the desired service (*column 15, lines 18-58*).

Regarding **claim 14**, Pezzutti discloses the method of claim 11 wherein said step of performing a first-stage registration includes the step of revealing a MAC address to other devices on said network (*column 19, lines 62-67*).

Regarding **claim 15**, Pezzutti discloses the method of claim 12 wherein said step of performing a first-stage registration includes the step of entering an identification of a customer (*column 14, lines 33-67; column 15, lines 1-58*).

Regarding **claim 16**, Pezzutti discloses the method of claim 15 wherein said step of entering an identification number of a customer enters an identification number selected from the group consisting of a key, a customer identification number, an account number and a customer address (*column 15, lines 1-58*).

Regarding **claim 17**, Pezzutti discloses the method of claim 12 wherein prior to said step of receiving a default configuration, the identification of said end-point is unknown (*column 14, lines 14-62*).

Regarding **claim 18**, Pezzutti discloses the method of claim 12 wherein said step of performing a first-stage registration includes the step of using said default configuration to communicate with a predetermined destination (*column 14, lines 33-67; column 15, lines 15, lines 1-58*).

Regarding **claim 19**, Pezzutti discloses the method of claim 18 wherein said predetermined destination comprises a service center (*column 15, lines 36-58*).

Regarding **claim 21**, Pezzutti discloses the method of claim 11 wherein said step of installing is performed by an entity selected from the group consisting of a customer and a third-party installer (*column 4, lines 12-39; column 14, lines 14-61*).

Regarding **claim 22**, Pezzutti discloses the method of claim 10 wherein said step of performing a second-stage registration includes the step of receiving a configuration which supports said desired service (*column 18, lines 3-59*).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 8 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Pezzutti in view of Wang et al. (Wang), U.S. Patent No. 6,636,505 B1.

Regarding **claims 8 and 20**, Pezzutti a method for registering an IP telephony end-point with a service center destination (*column 15, lines 36-58*), but does not specifically disclose said predetermined destination as a server.

In the same field of endeavor, Wang discloses a ( subscriber's customer premises that is connected by a communication channel to a server in a central office network provider) [*see Wang, column 5, lines 20-29; fig. 2, item 130*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Wang's teachings of a method to use a server in a service center as a predetermined destination, with the teachings of Pezzutti, for the purpose of "*offering a valuable*

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*advantage of a simpler to design and manage, and reduce in time necessary to research and correct inaccuracies in collected data prior to storage*” as stated by Pezzutti in lines 5-11 of column 17. Thus, Wang also provides motivation to combine by stating a need to also provide to the network with “*the high speed downstream channel from the server, used to convey information to the subscriber...*” [see Wang, column 3, lines 8-20]. By this rationale **claims 8 and 20** are rejected.



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**Conclusion**

6. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914.

The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jude Jean-Gilles

Patent Examiner

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JJG

February 21, 2005



William C. Vaughn  
Primary Examiner  
Art Unit 2143  
William C. Vaughn, J.